

PATENT  
Customer No. 69,419  
Attorney Docket No. 10426.0064-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Beverly L. Wolgast et al. ) Group Art Unit: 1624  
Application No.: 10/560,953 ) Examiner: Brenda L. Coleman  
Filed: April 26, 2007 ) Confirmation No.: 1700  
For: PROCESS FOR PREPARING 3- )  
BENZAZEPINES )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In a restriction requirement dated March 8, 2010, the Office required restriction under 35 U.S.C. § 121 between the following groups of claims:

Group I - Claims 1-27 and 42-65, allegedly drawn to the compounds, compositions, process of preparing and method of use of the compounds of formulae V, Va and Vb.

Group II - Claims 28-34 and 39-41, allegedly drawn to the compounds and process of preparing the compounds of formula IX.

Group III - Claims 35-41, allegedly drawn to the compounds and process of preparing the compounds of formula X.

Applicants elect, without traverse, to prosecute Group I, claims 1-27 and 42-65 allegedly drawn to the compounds, compositions, process of preparing and method of use of the compounds of formulae V, Va and Vb.

The Office also required a "tentative election of a single species within the elected group." See Office Action, p. 3. Applicants elect the species that is a compound of Formula Vb, wherein R<sup>1</sup>=H, R<sup>2</sup>= methyl, R<sup>3</sup> = H, R<sup>4</sup> = Cl, R<sup>5</sup> = H, R<sup>6</sup> = H, R<sup>8a</sup> = H, and R<sup>8b</sup> = H. Claims 1-27 and 42-65 encompass the elected species.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 8, 2010

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